

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PROTECTIVE OPTICS, INC.,

No. C 05-02732 CRB

Plaintiff,

ORDER

v.

PANOPTX, INC.,

Defendant.

Three motions are currently pending before the Court in this matter: (1) Protective Optics' Motion for Partial Summary Judgment, which is scheduled to be heard on May 11, 2007; (2) Panoptx's Motion for Interpretation and Clarification of Patent Local Rule 3-8 Regarding Willful Infringement and Oral Opinions of Counsel, which is scheduled to be heard on May 25, 2007; and (3) Protective Optics' Motion for Miscellaneous Administrative Relief to Enforce Patent Local Rule 3-8, which is scheduled to be heard on May 4, 2007.

The last two of these issues raise the same issue, namely, whether Panoptx can rely on the oral opinion of counsel as a defense to charges of willful infringement. Thus, the parties have filed a fourth motion, this one seeking administrative relief for an expedited hearing on the two motions about the propriety of such a defense under Local Rule 3-8.

The parties' request for administrative relief is hereby GRANTED. For the convenience of the Court, however, it is hereby ORDERED that all three of the pending

1 motions, *i.e.* the motion for partial summary judgment and the two motions regarding
2 potential defense to charges of wilfulness under Local Rule 3-8, shall be heard together at
3 10:00 a.m., on Friday, May 11, 2007. As for the two motions regarding defenses under Rule
4 3-8, the parties may adhere to any briefing schedule that they find convenient, so long as all
5 briefs are submitted to the Court not later than 5:00 p.m. on Wednesday, May 2, 2007.

6 Finally, the Court notes that a stipulation has been filed regarding the briefing
7 schedule in connection with the summary judgment motion. In accord with the parties'
8 stipulation, Protective Optics is hereby ORDERED to file its reply in support of the motion
9 for partial summary judgment not later than Monday, April 30.

10 **IT IS SO ORDERED.**

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13 Dated: April 26, 2007



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE